DIVISIONAL FOREST OFFICE
Inwd. Regr. No. 20
Date 22. 4. 99
WORKING PLANS PARTY II

No 81

DIVISIONAL FOREST OFFICE
SOUTHERN CIRCLE
WORKING PLANS PARTY

OPIUM.

I.—Application of the Indian Opium Act, 1878.

1. In exercise of the powers vested in him by Section 1 of the Indian Opium Act, 1878, the Governor General in Council is pleased to declare that the aforesaid Act came into force in the territories administered by the Governor of Bombay in Council with effect from 1st April 1878. (G. I., F. & C., Notn. No. 1988, dated 22nd March 1878; *vide* G. N. No. 1563, dated 26th idem.)

(1. *Note.* The Act came into force in Perim and Peint on 18th October 1886 and 1st April 1887, respectively, under G. I., For. Dept., Notn. No. 2362 E, dated 18th October 1886, and G. I., H. D., Notn. No. 480, dated 10th March 1887: *vide* G. N., P. D., No. 6282, dated 27th October 1886, and G. N., J. D., No. 1622, dated 16th March 1887.)

(2. *Note.* The whole Act, except paragraph 3 of Section 1 and the proviso to Section 22, applies to the Cantonment of Deesa; *vide* G. I., For. Dept., Notn. No. 493 I, dated 5th February 1885, republished under G. N., P. D., No. 808, dated 10th idem.)

2. The Governor General in Council is pleased to extend the Opium Act, I of 1878, to the Cantonment of Kolhápur, subject to the following modifications, namely:—

(1) The second and third paragraphs of Section 1; the definition of "Magistrate" in Section 3; in Section 7 the words "relating to places in the territories to which such order refers"; in Section 12 the words "by the Collector of the District or Deputy Commissioner, or," and the word "other"; in Section 22 the words "by whom the case is to be disposed of" and the proviso; in Section 24 the words "Collector of the District, Deputy Commissioner or other," the words "Collector, Deputy Commissioner or other," and the words "Collector, Deputy Collector or other"; and the Schedule shall be omitted:

(2) For the words "a Magistrate," "the Magistrate," and "the convicting Magistrate" wherever they occur, the words "the Cantonment Magistrate" shall be substituted:

(3) For the words "the Local Government" and "any Local Government" wherever they occur, the words "the Governor of Bombay in Council" shall be substituted:

(4) For Section 2, the following section shall be substituted, namely:—

"2. Act XVIII of 1853 (*An Act for regulating the sale of spirituous liquors, &c., in Cantonments*) is repealed, so far as it relates to opium."

(5) For the definitions of "import," "export," and "transport" in Section 3, the following definitions shall be substituted, namely:—

"'import' means to bring into the Cantonment of Kolhápur; 'export' means to take out

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of the Cantonment of Kolhápur; 'transport' means to remove from one place to another within the Cantonment of Kolhápur":

(6) In the proviso to Section 5, after the words "the law relating to sea-customs for the time being in force," the words "in British India" shall be inserted:

(7) In Section 6 for the words "by land into British India, or into any specified part thereof," the words "into the Cantonment of Kolhápur" shall be substituted:

(8) In Section 5 for the words "the whole or any specified part of the territories administered by such Government"; in Section 7, Clause (*a*), for the words "the territories administered by such Local Government," and in Section 7, Clause (*c*), for the words "the territories administered by such Government or into any specified part thereof," respectively, the words "the Cantonment of Kolhápur" shall be substituted:

(9) In Sections 16 and 19 for the words "the Code of Criminal Procedure," the words "the law relating to criminal procedure for the time being in force in British India" shall be substituted:

(10) In Section 19 for the words "the Collector of the District, Deputy Commissioner or other," the word "any" shall be substituted:

(11) For Section 25, the following shall be substituted:—

"25. When any person, in compliance with any rule made hereunder, gives a bond, the whole sum mentioned therein may, upon the breach of any condition thereof, be recovered from him as if it were an arrear of land-revenue."

(12) After Section 25, the following section shall be added, namely:—

"26. Any sum recoverable as an arrear of land-revenue under Section 23 or Section 25 may be so recovered by the Cantonment Magistrate under the provisions, so far as they can be made applicable, of the Bombay Land-Revenue Code, 1879." (G. I., For. Dept., Notn. No. 2923 I, dated 28th August 1885; *vide* G. N., P. D., No. 5380, dated 2nd September 1885, and G. R. No. 7784, dated 25th idem.)

3. The Governor General in Council is pleased to extend the Opium Act, I of 1878, to the Cantonment of Bhúj, subject to the following modifications, namely:—

(1) The second and third paragraphs of Section 1; Section 2; the definition of 'Magistrate' in Section 3; in Section 7 the words 'relating to places in the territories to which such order refers'; in Section 12 the words 'by the Collector of the District or Deputy Commissioner, or,' and the word 'other'; in Section 22 the words 'by whom the case is to be disposed of,' and the

proviso; in Section 24 the words 'Collector of the District, Deputy Commissioner or other,' the words 'Collector, Deputy Commissioner or other,' and the words 'Collector, Deputy Collector or other'; and the Schedule, shall be omitted:

(2) For the words 'a Magistrate,' 'the Magistrate,' 'and the convicting Magistrate,' wherever they occur, the words 'the Cantonment Magistrate' shall be substituted:

(3) For the words 'the Local Government' and 'any Local Government,' wherever they occur, the words 'the Governor of Bombay in Council' shall be substituted:

(4) For the definitions of 'import,' 'export' and 'transport' in Section 3, the following definitions shall be substituted, namely:—

'import' means to bring into the Cantonment of Bhúj; 'export' means to take out of the Cantonment of Bhúj; 'transport' means to remove from one place to another within the Cantonment of Bhúj":

(5) in the proviso to Section 5, after the words 'the law relating to sea-customs for the time being in force,' the words 'in British India' shall be inserted:

(6) in Section 6 for the words 'by land into British India or into any specified part thereof,' the words 'into the Cantonment of Bhúj' shall be substituted:

(7) in Section 5 for the words 'the whole or any specified part of the territories administered by such Government'; in Section 7, Clause (*a*), for the words 'the territories administered by such Local Government,' and in Section 7, Clause (*c*), for the words 'the territories administered by such Government or into any specified part thereof,' respectively, the words 'the Cantonment of Bhúj' shall be substituted:

(8) in Sections 16 and 19 for the words 'the Code of Criminal Procedure,' the words 'the law relating to criminal procedure for the time being in force in British India' shall be substituted:

(9) in Section 19 for the words 'the Collector of the District, Deputy Commissioner, or other' the word 'any' shall be substituted:

(10) for Section 25, the following shall be substituted:—

'25. When any person, in compliance with any rule made hereunder, gives a bond, the whole sum mentioned therein may, upon the breach of any condition thereof, be recovered from him as if it were an arrear of land-revenue:'

(11) after Section 25, the following section shall be added, namely:—

'26. Any sum recoverable as an arrear of land-revenue under Section 23 or Section 25 may be so recovered by the Cantonment Magistrate, under the provisions, so far as they can

be made applicable, of the Bombay Land-Revenue Code, 1879.'

(G. I., For. Dept., Notn. No. 2924 I, dated 28th August 1885; *vide* G. N., P. D., No. 5380, dated 2nd September 1885, and G. R. No. 7784, dated 25th idem.)

[*Note.*—By G. R., P. D., No. 294, dated 16th January 1886, the Political Agent, Cutch, was informed that "no action need be taken upon the foregoing notification as long as the present arrangements continued in force in the Bhúj Cantonment."]

4. The Opium Act having by the Notification of the Government of India, No. 1988 of the 22nd March 1878, been applied to Aden as to other portions of the territory administered by the Government of Bombay, any rules that may from time to time be framed and published under the Act apply to Aden. (G. R. No. 8899, dated 4th December 1883.)

II.—ADMINISTRATION REPORT AND RETURNS.

1. The Annual Administration Report of the Opium Department should embrace the period from 1st August to 31st July and should be submitted to Government before the 1st January for transmission to the Government of India before 1st February, *i. e.*, within six months of the date to which it relates. (G. Rs. Nos. 2112, dated 22nd April 1880, and 5015, dated 29th July 1882.)

2. The amount of Government opium sold in each Collectorate should be given in the Annual Administration Report of the Opium Department. (G. R. No. 5605, dated 4th October 1875.)

3. For all practical purposes it will suffice if the Commissioner of Customs, Salt, Opium and A'bkári ascertains from the Accountant General annually the total expenditure recorded in the financial accounts under the head "Excise," and shows in his Administration Reports approximately the proportions which may fairly be held to be for the protection of excise opium and other excise revenue respectively. (G. R. No. 3073, dated 16th April 1885.)

4. It would be useful if the Opium Commissioner could in his Administration Report compare the prices of opium ruling in the Bombay market with those ruling in the Calcutta market in the same way as he compares the prices at the former place with those in China. (G. R. No. 1919, dated 14th March 1891.)

5. Any marked increase or decrease in the number of licensed shops for retail sale of liquors or drugs should be clearly explained in the Annual Excise Administration Reports. (G. I., F. & C., No. 1572, dated 15th April 1891; *vide* G. R. No. 2967, dated 30th idem.)

6. A statement showing the number of shops licensed in each district of the Bombay Presidency for the sale of opium and its preparations should be given in either the Annual Opium or the Annual A'bkári Report. The Government of India and the

Secretary of State frequently require a correct detail of excise licenses of all kinds in order to reply to questions asked in Parliament, and steps should be taken to have complete information on the subject placed on record year by year. (G. I., F. & C., No. 4189, dated 5th October 1891 ; *vide* G. R. No. 7278, dated 22nd idem.)

7. The Commissioner of Customs, Salt and Opium should submit for transmission to the Government of India a monthly return of the number of chests of opium passed at Ahmedabad. (G. I., H. D., No. 814, dated 1st April 1861 ; *vide* G. M. No. 1707, dated 12th idem.)

8. The Commissioner of Customs, Salt and Opium should submit for transmission to the Government of India a monthly list of all vessels leaving Bombay for ports in China with the number of opium chests carried by each. The names of the ports in China to which the vessels are bound should be mentioned in the list. Particulars should also be given in this list of shipments of opium to the Straits Settlements and any other ports besides the China ports (G. I., F. D., Nos. 4018, dated 11th October 1869, 766, dated 29th January 1870, and 452, dated 19th May 1870 ; *vide* G. Ms. Nos. 4557, dated 22nd October 1869, 650, dated 3rd February 1870, and 2535, dated 28th May 1870.)

III.—DUTIES AND POWERS OF OFFICERS.

1. The Commissioner of Opium Revenue is bound to exercise an intelligent and active supervision over this important source of revenue. It is his duty to watch narrowly the consumption of excised opium in the several Collectorates of the Presidency, and bring to the notice of Government instances where, looking to the extent of the population and the known habits of the people, the amount of such licit consumption must clearly be below what actually takes place. He ought to be alive to the losses that unquestionably result from the extensive system of smuggling that prevails up-country, and should from time to time suggest the adoption of preventive measures. These are some of the points to which the attention of the Commissioner ought to be unremittingly directed. (G. R. No. 4696, dated 22nd September 1871.)

2. As soon as possible after the annual sale of opium licenses is completed, the result of the sales should be reported to the Commissioner of Customs and Opium, with information showing the cause of any difference in the number and locality of shops, the conditions of license, and the amount bid.

The sanction of the Commissioner of Customs and Opium is required for any change in the terms of the sales, conditions of license, or number of shops.

In Sind the full control over the number of shops, their localities and other executive details connected with opium licenses is reserved in the hands of the Commissioner in Sind ; but the results of the annual sales, &c., should be reported to the Commissioner of Opium. (G. Rs. Nos. 4610, dated 27th August

1874, 5200, dated 30th September 1874, and 5579, dated 21st October 1874.)

3. In Sind the Commissioner in Sind is invested with power to sanction all expenditure on opium dead stock, entry of such in the budget, &c., instead of the Commissioner of Customs. (G. R. No. 5570, dated 21st October 1874.)

4. The Deputy Opium Agent at Indore is authorized to supply on payment indents for opium which may be sent to him by the Commissioner of Excise of the Central Provinces. The opium should be sent free of pass fee. (G. Rs. Nos. 5336, dated 18th September 1875, and 6444, dated 18th November 1875.)

IV.—Import and Transport of Opium.

1. Under several Local Rules and Regulations, the import of opium from Málwa for local consumption is permitted under passes granted by Revenue officers.

The Governor General in Council has resolved that no pass shall, in future, be thus granted excepting by the Opium Agent at Indore.

Officers desiring to authorize the import of Málwa opium under sanctioned conditions should, accordingly, address the Opium Agent at Indore, who will issue the required passes under such conditions and with such precautions as he thinks necessary for the safety of the opium revenue which he supervises.

Each Local Government concerned will determine and inform the Opium Agent what officers are authorized to move him to issue passes under these orders. (G. I., F. & C., No. 3689, dated 17th November 1879; *vide* G. R. No. 6465, dated 3rd December 1879.)

2. The following are the officers in this Presidency authorized to move the Opium Agent at Indore to issue passes for opium under the above orders :—

(1) Agent to the Governor General at Baroda.
(2) Political Agent, Káthiáwár.
(3) Political Agent, Cutch.
(4) Political Agent, Mahi Kántha.
(5) Political Agent, Rewa Kántha.
(6) Political Superintendent, Pálanpur.
(7) Political Agent, Cambay.

(G. R. No. 6666, dated 13th December 1879.)

3. Under Rule 14* of the Rules for regulating the traffic in opium in the Bombay Presidency, published in Government Notification No. 4472A,† dated 3rd June 1885, His Excellency the Governor in Council is pleased, in supersession of Government Notification No. 3884, dated 27th June 1887, to

† Printed at pp. 397—417 of the Compilation of General Rules.

*For other notifications under this Rule, *vide* Appendix C at page 427 of the Compilation of General Rules.

appoint the Sábarmati Railway Station to be the station at which opium brought by the Rájputána-Málwa Railway and booked through for stations north and south of Ahmedabad shall be detained and examined. (G. N. No. 6045, dated 8th September 1887.)

4. With reference to Rule 14* of the Rules for regulating the traffic in opium in the Bombay Presidency, published under Government Notification No. 4472A, dated 3rd June 1885, His Excellency the Governor in Council is pleased to appoint the Nándgáon Railway Station in the district of Násik on the Great Indian Peninsula Railway to be the station at which opium booked through from Indore for the Aurangábád Opium Warehouse in the territory of His Highness the Nizám shall be detained and examined. (G. N. No. 3243, dated 12th May 1891.)

5. It is unnecessary to examine and weigh at Ahmednagar every consignment or parcel of opium arriving by rail at that place *en route* to the Madras Presidency, but it is desirable such consignments should occasionally be examined and weighed. (G. R No. 1489, dated 22nd March 1880.)

6. Opium taken by the opium farmer of the Khándesh District to Jalgaon for consumption in Eastern Khándesh should be examined at the Jalgaon Railway Station by a responsible officer of the A'bkári or Land Revenue Department. (G. R. No. 8120, dated 17th November 1890.)

7. Under the provisions of Section 12 (*c*)† of the rules framed under Sections 5 and 13 of the Opium Act, 1878, and published by Notification No. 4472A at pages 704 to 715 in Part I of the *Bombay Government Gazette* of 1885, His Excellency the Governor in Council is pleased to permit the direct importation of opium from Málwa or Meywár into the district of Surat for retail sale in the said district by the person duly licensed to retail opium in that district subject to the following conditions:—

(*a*) All opium so imported shall be subject to the rate of duty imposed, for the time being, on opium imported into the Presidency of Bombay for home consumption, and payment of the duty leviable thereon shall be made in accordance with the provisions of Rule 17 of the rules under the Opium Act, 1878, for the payment of duty on opium intended for exportation by sea.

(*b*) All opium so imported into the Surat District shall, on arrival, be deposited in the Government Treasury at Surat.

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* For other notifications under this Rule, *vide* Appendix C at page 427 of the Compilation of General Rules.

† For other notifications under this Rule *vide* Appendix A at pp. 425-426 of the Compilation of General Rules

(*c*) Opium deposited as aforesaid will remain there at the risk of the importer, who shall be at liberty to keep it in his own boxes and under his own keys and seals and to remove it to his shops at such times as the Collector of the district may determine and in such quantities at a time as he may require for use, not being less than the minimum quantity to be fixed by the Collector; he shall not be entitled to have access to the place of deposit except during office hours, nor without special permission of the Collector or other officer duly empowered by the Collector to grant such permission.

(*d*) The quantity of opium to be removed from the place of deposit shall, on each occasion, be presented to the officer in charge of the place for weighment and registration, and shall be covered by a pass in the Form C attached to the rules. (G. N. No. 2533, dated 11th April 1893.)

V.—POSSESSION OF OPIUM.

1. Government do not consider that sufficiently strong grounds have been shown for moving the Government of India to modify the amendment of the Opium Rules reducing the quantity of opium, which may be legally possessed, from ten to two tolas.

It appears to His Excellency the Governor in Council that the difficulties in the way of working the special permit system have been somewhat over-estimated. It is not necessary that a fresh permit should be granted every time a man wants to buy opium, nor that the power of granting such permits should be confined to one officer, though care would, of course have to be taken that they were not made use of to cover possession of smuggled opium. It is the desire of Government that everything possible should be done to meet difficulties by the grant of special permits to persons such as sea-faring men and others whose habits or avocations would make it a hardship to enforce the rule strictly. (G. L. to Comr. of C., S., O. & A., No. 286-P, dated 1st August 1893: *vide* also G. L. to G. of I. No. 5859, dated 12th idem).

2. The special permits referred to in Rule 6(*b*)* of the rules under the Opium Act should be in the annexed form. This form should be printed trilingually—(*a*) in English and Gujaráti, (*b*) in English and Maráthi, and (*c*) in English and Kánarese:—

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* *Rule 6* (*b*).—The Collector may grant to any person a special permit authorizing him, for a specified period, to have in his possession for private consumption only a specified quantity of opium in excess of 2 tolas.

Special Permit for the possession of opium in excess of 2 tolas for private consumption.	Special Permit for the sale of opium in excess of 2 tolas for private consumption.	Special Permit for the possession of opium in excess of 2 tolas for private consumption.
No. , dated 189 .	No. , dated 189 .	No. , dated 189 .
Name of applicant	To The Opium Retail Shop-keeper at	of táluka, zilla, is hereby authorised to purchase tolas of opium from the opium retail shop at and to keep the same in possession for use on the occasion of
Residence	You are hereby authorised to sell tolas of opium to of	This permit shall be valid up to the day of 189 inclusive.
Quantity of opium to be possessed	táluka for private consumption on the occasion of	Collector (or other officer empowered).
Shop at which to be purchased	This permit shall be valid up to the day of 189 inclusive.	
Occasion on which to be used	Collector (or other officer empowered).	
Duration		
Collector (or other officer empowered).		

(G. R. No. 2844, dated 22nd April 1893.)

VI.—SALES, FARMS AND LICENSES.

1. Great care should be taken to ascertain that tenderers for opium farms are men of substance and to see that suitable security is taken for the due fulfilment of the contracts immediately the tenders are accepted. (G. R. No. 7495, dated 22nd October 1886.)

2. The departmental sale of opium is on no account to be permitted. The object of Government is not to promote, but rather by taxation to restrict, the consumption of opium. In places where the sale of opium is obviously insufficient, and a license is taken out merely as a cloak for smuggling, it is better to stop issuing licenses. (G. I., F. D., No. 870, dated 31st January 1874; *vide* G. R. No. 836, dated 16th February 1874.)

3. Licenses for the retail sale of opium should be issued, and all opium accounts as well as the opium administration report should be framed, for the revenue year. (G. R. No. 1421, dated 15th March 1879).

4. With a view to distinguish licit from illicit opium, the opium balls issued from Government depôts should have a narrow strip of calico or tape threaded through them, brought round, and the ends tied together and sealed. A small piece of paper or cloth should be placed between the opium and the ends of the strip of calico or tape which are to be tied and sealed, so as to prevent the wax from actually touching the opium. This plan should be adopted, except in districts like Karáchi, where the quantity issued to licensed vendors at a time is less than one entire ball of opium.

(2) The licensed vendor should be required in retailing opium to cut off as far as possible only the required quantity from the sealed balls in the presence of customers, and should be ordered not to have in his possession more than one broken ball of opium at a time for sale to customers.

(3) The Collectors of Districts should issue notices, to be posted at all the principal market towns

and retail shops in their respective districts, with a view to acquaint the public with the plan which has now been adopted for distinguishing licit from illicit opium and with the orders to licensed dealers which will be issued under paragraph 2.

(4) In the form of license for the retail sale of opium a clause should be inserted formally binding licensed dealers to conform to the orders which under paragraph 2 will be communicated to them.

(5) Táluka Revenue officers and officers of the Police Department of such rank as the Commissioners of Divisions and the Commissioner in Sind deem suitable should examine opium shops when on tour within their charges and report to the proper authorities any breach, by dealers in opium, of the conditions of their licenses or any suspicious circumstances in connection with opium sales which may come to their notice. (G. Rs. Nos. 1658, dated 11th March 1882, 444, dated 19th January 1883, 2383, dated 19th March 1884, and 3020, dated 10th April 1884.)

5. The system in force in the Bengal Presidency, under which agreements are not taken from retail vendors of opium, but licenses are granted subject to a deposit of two months' fees paid in advance, should be adopted in this Presidency. (G. R. No. 9061, dated 10th November 1885.)

6. His Excellency the Governor General in Council has come to the conclusion that it is expedient to try the experiment of inserting in the licenses, in all provinces, clauses prohibiting the smoking, or the consumption of opium and its preparations in any other form, on the premises, and directs that when the term for which any existing licenses are in force expires, in any licenses which may be renewed a clause should be inserted, prohibiting the consumption of opium on the premises in any form. (G. I., F. & C., No. 4033, dated 25th September 1891; *vide* G. R. No. 7162, dated 17th October 1891; *vide* also G. R. No. 4813, dated 8th June 1892.)

7. In license forms for the sale of either opium or intoxicating drugs there should be no provision worded in any way which might convey the impression that the licensee is required to sell a definite amount of the opium or drugs covered by his license. (G. I., F. & C., No. 2559, dated 17th June 1892; *vide* G. R. No. 5432, dated 2nd July 1892.)

8. In the following letter No. 4120, dated 1st October 1891, the Government of India suggested the abolition of the system of a minimum guarantee for opium vend in the Bombay Presidency* :—

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*In the thirteen districts named in the margin, in which the minimum guaranteed vend system had been in force, it was stopped under the orders passed in Government Resolution No. 4721, dated 4th June 1892, and the following plan was tried for one year in the first instance :—

Ahmedabad.	Kolába.
Kaira.	Násik.
Panch Mahals.	Khándesh.
Broach.	Ahmednagar.
Surat.	Poona.
Thána.	Sholápur.
	Sátára.

"In his despatch No. 10 (Revenue), dated the 30th July 1891, and addressed to His Excellency the Governor in Council, Bombay, the Secretary of State has said that he would be glad to learn the views of the Bombay Government as to the practical effect of the system of guaranteed minimum vend in the case of licenses for the sale of opium, and the advisability of maintaining or changing that system.

"2. The question involved has been recently considered by the Government of India in connection with the facts brought to notice in your letter No. 4911, dated the 18th July 1891. In paragraph 3 of that letter it was explained that the continuous increase in the amount of licit opium consumed in the Presidency during the last ten years was entirely due to the measures taken to check opium-smuggling, and to substitute licit opium for the contraband opium which formerly formed the bulk of the consumption. The measures referred to were introduced for the first time in a few districts in 1877-78, and by degrees their operation has been extended to the whole Presidency including Sind.

"3. I am now directed to request you to lay before His Excellency the Governor in Council the views of the Gov-

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The farm of each district was let out on the existing license conditions, except those penalising the farmers for sales below a fixed standard.

The farmers were required to pay no fee for their licenses, but in lieu thereof they were required to maintain additional establishments for the supervision of their retailers, and for the prevention of smuggling.

2. The following further observations and orders were made in the same Resolution :—

"The Governor in Council is aware that this system is open to the objection that Government have no substantial hold on the farmers, who will not incur any penalty in the event of their supervision over their retailers being lax, or of their management being inefficient, and they may perhaps connive at the sale of illicit opium by their servants. But in the opinion of the Governor in Council it is better to have one substantial man answerable for the importation and distribution of licit opium in districts where the consumption is considerable, assuring to him sufficient profit to make it worth his while to deal honestly, rather than to license a number of separate retailers each of whom would have to make his own arrangements for procuring opium for retail sale.

"In the six districts of Belgaum, Dhárwár, Bijápur, Kánara, Ratnágiri and Aden the present system may continue, excluding minimum vend conditions, if any exist, from the licenses.

"In each case the Commissioner will have to exercise great care to secure the most trustworthy man offering for the farm.

"As regards Sind, the orders passed above (in paragraph 1) should also be applied."

Following the principles laid down in Government Resolution No. 4721, dated 4th June 1892, it was directed in Government Resolution No. 4596, dated 26th June 1893, that the opium farm in the Town and Island of Bombay should be disposed of on the assumption that consumption on the premises will be prohibited in the farmer's own shops, that no special chandul and madat shops will be licensed, and that sales to the public must be limited to 2 tolas to one person at one time. It was further ordered that the farmer should be required to pay, in addition to the license-fee of Rs. 300 a month, any contribution that the Commissioner may see fit to demand for the establishment for supervision and detection under the authority vested in him by Rules 39 and 40 of the Opium Rules, and that in the license granted to the farmer there should be no penalty clause for sales below a fixed standard.

ernment of India upon this question. The Secretary of State and the Government of India are aware that the measures adopted by the Bombay Government have had their origin in a desire to restrict consumption and at the same time to prevent illicit dealings in the drug. Before the passing of the Opium Act I of 1878 it was the practice to auction the licenses for retail sale for periods of one year at a time, the license being granted to the person who offered the highest price for it. The licensee was bound to purchase the opium required by him from the public depôt, but it was found that in fact very little opium was so taken by him, his requirements being supplied for the most part by illicit importations. The total amount of duty-paid opium sold in the Presidency at the time was less than 40,000 lbs. a year, while the license fees realised upwards of Rs. 1,30,000. In some cases the disproportion between the amount paid for the license and the amount of licit opium sold was so glaring as to show conclusively that the license was in reality only intended to cover the licensee's transactions in smuggled or illicit opium. There was consequently a large loss of public revenue, while the consumption of opium was being encouraged owing to a great portion of the opium consumed in the province escaping taxation. The arrangements were, moreover, open to very strong objection on the grounds that no efficient control could be exercised over the opium shops; that the real amount of opium consumed could not be known, and that there was no proper security against undue encouragement of a taste for the drug among the people.

"4. To meet these difficulties the Bombay Government gradually, from the 1st June 1878, introduced a system under which tenders were invited for opium licenses on a new system, the special object of which was to discourage illicit sales and ascertain the true vend of the various shops, the taxation on the drug being intended to be levied rather in the shape of duty on opium consumed than of fees for licenses to open shops. The method by which it was sought to secure these objects was to give preference to the tenderers who undertook to sell the largest quantity of opium per month on pain of forfeiture of a money deposit proportionate to the amount of vend stipulated for, the licensees being authorized to provide themselves with opium direct from the wholesale dealers instead of from public depôts, subject to a condition that the opium purchased by them should be duty-paid opium. Under this system the temptation to use the license as a cloak for the sale of smuggled opium practically disappeared, because the duty must in any case be paid whether the licensee sold smuggled or duty-paid opium, and, as a consequence, the amount of licit opium consumed increased largely year by year as the system was gradually extended, until, now that it is in force in all but five districts of the Presidency, the total amount of pass duty realised is more than four times as great as in 1878-79. The Government of India accept the conclusion that this result has been hitherto attained mainly by repression of opium-smuggling, and that the minimum guarantee system has produced satisfactory results in so far as under it consumption is discouraged by levying a heavy tax on all opium consumed.

"5. The system of guaranteed minimum vend is, however, open to misconstruction by persons not fully acquainted with the facts and can be made the subject of plausible misrepresentation. It can hardly be disputed that, to those who are unaware of the difficulties in consequence of which the present system was introduced, the practice of requiring opium farmers to guarantee the sale of an amount of opium large in itself, and in some cases above the reported sales of previous years, is on the face of it open to objection. The amount guaranteed has not on the whole increased much during the last six years, and it

may be anticipated that the orders contained in the Bombay Government Resolution No. 4857, dated 8th July 1889, will have already effected a substantial decrease during the current year. Nevertheless the fact remains that the system appears to afford justification to some extent for the accusation that the Government is directly encouraging the consumption of the drug, and it is in this view that the Government of India now desire to press for the abolition of the system and a return to the ordinary licensing system which is generally in force in other Provinces, or the adoption of such other system as the Government of Bombay may consider calculated to ensure the full taxation of all opium consumed.

"6. The Governor General in Council has the less hesitation in suggesting this change, as there is some reason to believe that the object with which the present system was introduced has already been attained. The natural level of consumption, including both illicit and duty-paid opium, has been ascertained with, at any rate, approximate accuracy, and competitors for a license are now ready to guarantee a larger vend than they have any expectation of realising. The privilege of exclusive vend is so valuable that they can afford to pay a large sum out of their profits to make up deficient pass duty, and the amount which they calculate on having to make good in this way represents the value of the exclusive privilege of sale over and above the license fee and the duty on opium actually sold. In other words, the contractors are now practically paying under another name what ought properly to be charged to them as license fees, and the Government is exposed to the charge of stimulating consumption without obtaining any actual benefit, if, as appears probable, the taxation of opium might be maintained as high as it now is by levying additional license fees equal in amount to the pass duty paid on deficient sales.

"7. The statistics of opium revenue and consumption for the last ten years, the remarks on the subject contained in paragraph 5 of the Government Resolution on the report for 1887-88, and the circumstances detailed in the Confidential memorandum forwarded with your letter No. 7232, dated the 11th October 1890, appear to support the view stated in the last paragraph, and it is observed that the Government of Bombay has already, in its Resolution of the 8th July 1889, prescribed that the amount of the minimum guarantee should no longer be fixed by competition. The experiment is being tried of leaving the Commissioner to determine the amount of the guarantee in each district at his own discretion. The Commissioner is instructed to be careful not to overburden farmers, and to fix the guaranteed minimum vend rather below than above his own estimate of the normal demand, and, having fixed the amount, he is to call for applications on those terms and give the farms to the persons whom he may consider most likely to conduct the business satisfactorily. While fully admitting that this modification of the system renders it less open to objection and misconstruction, the Government of India believe that His Excellency the Governor in Council will recognise that it is inadvisable to adopt any half-measures of the kind as the basis of a permanent policy. The objections which can be stated against the system lose little of their apparent force even when a very moderate estimate is made of the amount to be guaranteed, and it is the apparent rather than the real force of these objections which renders it necessary to modify the existing system. The ordinary demand of the districts has now been ascertained; the preventive establishments are much stronger than they were 13 years ago; and it is hoped that they may be able to prevent smuggling and illicit practices without the aid of the guaranteed minimum system.

"8. Under these circumstances the Government of India trust that the Government of Bombay will see their way to try the experiment of abolishing the system of a minimum guarantee for opium vend on the earliest possible opportunity. The system has been of value during the past 13 years and has made control over the consumption of opium an easier task than it was in 1878-79. Much experience has been gained and smuggling has been successfully combated. The Governor General in Council hopes that the officers of the Opium Department will now be able to introduce a system which does not involve a minimum guarantee, and to work it successfully without serious risk of a revival of the difficulties met with in earlier years, and he desires that steps may be taken at once to consider the question in time to enable the proposed change to be carried out from the beginning of the next revenue year."

(G. R. No. 7645, dated 26th September 1892.)

VII.—ARRANGEMENTS WITH NATIVE STATES.

1. Presuming that all opium to which concessions of duty drawback are made will be for consumption only in the Native States in whose name the concessions are made, opium might most conveniently be sold free of duty, when purchased from a depôt where duty has not already been levied; and in this case no adjustment on account of remission of pass duty would be necessary in the financial accounts which are intended to show actual cash receipts and payments. If any account of opium remissions is required to be kept, it should be shown in the stock account of opium kept by the Commissioner of Customs by foot notes. But when purchased from a depôt where the duty on it has already been levied, the duty should only be refunded on the production of the Political Agent's certificate to the effect "that the opium so sold has been received into the State applying for it." This certificate should be forwarded to the Accountant General's office. (G. R. No. 6637, dated 24th December 1878.)

2. The proposal that full pass duty be levied at the scales on all opium exported to the States in the Bombay Presidency which are parties to the arrangements made in 1878, a refund being made of such portion of the duty as the States may be entitled to on proof of the arrival of the opium at its destination, and of the levy of the full pass duty by the States themselves does not commend itself to the Government of India. It would be distasteful to the Chiefs of these States, as it would subject them to the inconvenience and discredit of submitting bills for audit and adjustment; and this audit would be the occasion of considerable trouble to the Account officers, while delay would sometimes result in the payment of the duty to be refunded. And it seems important not to put any avoidable obstacle in the way of these States in obtaining opium licitly, lest any encouragement be thereby given to smuggling. The important point is to limit the supply of opium to these States. If this is done, it appears to be comparatively of little importance whether the opium is delivered free of duty, or the duty is levied at the

scales and afterwards refunded. The Governor General in Council therefore considers that the Government of Bombay should in communication with the Political Agents of the States concerned fix the amount of opium which may be imported free of duty or on payment of reduced duty into each State; and that that amount only should be permitted to pass the scales otherwise than on payment of the full duty. The necessary intimation would of course have to be made to the Opium Agents at Indore and Ajmere. (G. I., F. & C., No. 3295, dated 1st October 1881; *vide* G. R. No. 6212, dated 21st idem; *vide* also G. R. No. 7109, dated 23rd November 1881.)

3. The Chiefs of Káthiáwár should be encouraged to make their own arrangements for their supply of opium subject to the restrictions of the opium rules. (G. R. No. 6392, dated 18th November 1881.)

4. Seeing that Government have obtained from the Káthiáwár Chiefs an engagement neither to cultivate nor import opium, in return for which the Government undertake to supply them at a cheap rate with the quantity they are supposed to require for their own use, duty should not be demanded in cases where the Political Agent is satisfied and certifies that they are proceeding on a journey, or will be absent from Káthiáwár for a given period, and that the quantity of opium to be taken with them is reasonable. That should be stated in the pass and should be the authority for its being passed free of duty by the officers of Government. (G. R. No. 1981, dated 28th March 1876.)

5. The prohibition contained in the notice* issued under Government Resolution, Public Works Department, Railway, No. 1318, dated 29th May 1885, does not apply to the Káthiáwár Chiefs, who are allowed to take with them into British territory a reasonable quantity of opium covered by a pass as permitted by G. R. No. 1981, dated 28th March 1876, nor to persons travelling by rail in the native territories of Káthiáwár. Government also will not object to add to the exemption from the notice of persons of distinction holding a pass from the Political Agent, Káthiáwár, but this should be limited to brothers of Chiefs, Head Kárbháris and the like, and cannot be extended to all bháyát and girásiás or officials. The Political Agent must be held responsible that the concession is not abused. (G. Rs. Nos. 6015, dated 25th July 1885, 6895, dated 26th August 1885, 10220, dated 19th December 1885, and 3514, dated 14th May 1886.)

6. It was stipulated with the Káthiáwár Chiefs by the Political Agent in 1820 that of the sale-

* "Any passenger coming from abroad will be liable to be detained and prosecuted if found, on and after entering the limits of the Bombay Presidency, to be in possession of more than 2 tolas of opium. A licensed opium shop exists near the Ahmedabad / Bhusával Railway Station, at which passengers may buy opium up to 10† tolas each."

† 2 tolas, as reduced in 1892, *vide* G. N. No. 6437, dated 10th August, 1892. *B. G. G.*, 1892, Pt. I, p. 802.

proceeds of confiscated opium ⅓rd should be paid to the capturer and ⅔rds to the Chief of the place where the opium was seized. This is still done where the Chief or his servants have taken part in the capture. The same practice appears to have existed in Rádhanpur, and it is evidently good policy, and should be permitted in all the Native States. On this principle confiscated opium may be dealt with as follows :—

(*a*) The Chief should send the capture to the Political Agent or depôt with a list of rewards awarded. The opium should be taken into stock and dealt with under Rules 53 and 54 of the Rules under the Opium Act. A separate account should be kept of confiscated opium. When it is issued from the depôt, the sale-proceeds should be adjusted thus: the amount of the pass-fee (if any) should be credited to Government; the rewards should be paid to the captors, and the balance should be given to the Chief.

(*b*) If the confiscated opium is of inferior quality and is issued at a lower rate, the pass-fee (if any) may be reduced from the full pass-fee in the same proportion by which the price is reduced below the full price.

(*c*) If the opium is destroyed as unfit for use, the reward for seizing it need not be large, and should be paid from a fine to be taken from the smuggler.

(*d*) When the opium is of quality equal to that in the depôt, the rewards not exceeding ⅓rd of the value may be paid by Government at once. (G. R. No. 3620 dated 10th July 1879.)

7. Confiscated opium seized in any part of His Highness the Gáekwár's territories, if it cannot be dealt with on the spot, should be transported through British territory under the ordinary procedure prescribed by the rules under the Opium Act. (G. R. No. 3018, dated 7th June 1879).

VIII.—SMUGGLING.

1. The Commissioner of Customs, Opium and Abkári should from time to time report to Government how the opium revenue is progressing, and if from any information received by him he is led to believe that smuggling is increasing, or is materially interfering with the public revenue, he should at once bring the matter to the notice of Government and suggest such means as appear to him most calculated to put a stop to the contraband traffic in the drug. His Excellency the Governor in Council would in the meantime impress upon all officers in British districts where opium is largely consumed, and also on all political officers in frontier districts the necessity for the keenest attention to this subject. They should direct their most zealous and energetic efforts to the suppression of opium smuggling and the detection and punishment of the smugglers. On the interest taken by them in the matter and on the vigilant supervision exercised by them over

their subordinates the success of the measures already adopted must in great measure depend. Government feel convinced that their officers will efficiently discharge their duties in this respect, but deem it necessary to add that should any officer fail to devote due attention to this important branch of his work severe notice will be taken of his remissness. (G. R. No. 3786, dated 21st July 1880.)

2. The Commissioners of Police, N.D., C.D., S.D., and in Sind should impress upon all Superintendents of Police within their Divisions that the suppression of opium smuggling is one of the most important duties of the Police and that Government will visit with extreme displeasure any want of zeal in this respect. (G. R. No. 1424, dated 3rd March 1882.)

3. His Excellency the Governor in Council must insist that the prevention of contraband trade in opium should receive careful and constant attention from Revenue officers. Encouragement should not be given to petty prosecutions, but it must be remembered that smuggling may be carried on by the introduction of numerous small parcels as profitably as by large importations and with less risk. (G. R. No. 6220, dated 15th September 1887.)

4. Whenever any important seizure of contraband opium is made, general publicity should be given among the Police and Magistrates to the method of smuggling adopted in the case. (G. I., F. & C., No. 668, dated 27th April 1882; *vide* G. R. No. 3366, dated 22nd May 1882.)

5. The law regulating the import of opium is drafted on the same lines as all other customs laws regulating the import of dutiable articles, *i. e.*, the importation, in any quantity, without payment of duty is absolutely prohibited. Opium-smuggling is now chiefly carried on over the railways, and it is not at all desirable to relax the provisions of the law as regards railway traffic. The Police officer posted to Bhusával should be a discreet and intelligent officer, and he should be instructed not to prosecute cases in which *bonâ-fide* passengers by railway passing through Bhusával are found with not more than two tolas of opium in their possession. An opium shop might at the same time be established close to the Bhusával Railway Station, and notices posted at all the Railway stations in Central India and Rájputána and in all the carriages travelling on all the railway lines in Central India and Rájputána warning travellers against carrying untaxed opium into British territory (G. Rs. Nos. 2047, dated 7th March 1884, and 2710, dated 29th idem.)

6. There is no legal claim on the part of a Railway Administration as against Government in respect of freight on opium which has been transported over their line in contravention of the provisions of the Opium Act and has been seized and confiscated in consequence. The provisions of the Railway Act, 1890, in no way repeal or alter those of the Opium Act, 1878. By the latter Act opium transported without a license is liable to be seized and confis-

cated, and a Railway Company can have no right to such opium as against Government or to detain the same. Their claim under the Railway Act is against the owner or consignee or, under Section 55 (3), against any other goods belonging to the same owner or consignee as may be in, or thereafter come into, their possession, and Government does not by enforcing the provisions of the Opium Act in any way assume or incur the liabilities of the consignees or owners under the Railway Act. In cases, however, where the offender is not known and the Railway Company or their servants have contributed to the discovery of the contraband opium, His Excellency the Governor in Council is willing that as a matter of equity and good policy the Collector in passing orders under Section 12 of the Opium Act should allow the Company, out of the proceeds of the opium, the highest charge they would have been entitled to make, in addition to any individual rewards that may be warranted by the circumstances. When neither the Company nor their servants have had any share in the detection, there would seem to be no good reason for allowing anything beyond perhaps the freight charged on the declaration. (G. R. No. 4682, dated 29th June 1893.)

7. All District Collectors and Deputy Commissioners should be informed that although any opium, however small the quantity, on which pass fee has not been paid, or which has not been exempted by competent authority, becomes, strictly speaking, contraband on being brought into British territory, it is nevertheless undesirable that persons entering British districts from Foreign territory and bringing with them small quantities of opium for immediate personal use should be prosecuted unless the quantity so brought exceeds two tolas in weight, or unless there is reason to suppose that advantage is being taken of the concession to defraud the revenue. No prosecution should in any case be instituted in respect of quantities of opium below the limit of two tolas, for possession of which no license is required, unless there is clear evidence that the opium is otherwise contraband. (G. R. No. 8776, dated 29th November 1893.)

8. With a view to reduce the work involved to local officers in reporting cases of opium-smuggling, the following tabular statement is prescribed for adoption :—

1	2	3	4		5	6	7
Name of District.	Name and residence of accused.	Quantity of smuggled opium seized.	Province or Foreign State or village (if known) whence the opium was brought.		Supposed destination of the opium.	Whether brought by railway or road.	Designation of convicting Magistrate, date of conviction; punishment inflicted and rewards paid, with any remarks which the local authorities desire to offer.
			(a) As stated by accused.	(b) As shown by the evidence.			

Petty cases of opium-smuggling in which convictions have been recorded should be reported half-yearly to the Government of India in the Finance and Commerce Department in the form of the above statement.

Important cases (*i.e.* those in which the quantity of opium seized exceeds 40 lbs. in weight, or in which any new information regarding organized and systematic smuggling is disclosed) should be submitted in the prescribed tabular form without delay, together with such special report as the circumstances may call for, for the information of the Government of India. (G. I., F. & C., No. 2712, dated 23rd May 1887; *vide* G. R No. 3989, dated 1st July 1887; and G. I., F. & C., No. 5953, dated 30th December 1890; *vide* G. R. No. 447, dated 19th January 1891.)

9. The Commissioner of Customs, Opium and A'bkári in submitting reports regarding important cases of opium-smuggling should send a complete copy of the proceedings in each case for transmission to the Government of India. (G. R. No. 5121, dated 2nd August 1882.)

10. The statements of petty cases of opium-smuggling should be forwarded by Magistrates of Districts and Political Officers to the Commissioner of Customs, Salt, Opium and A'bkári within a fortnight from the date of the expiry of the half-year. The returns when received in the Commissioner's office should there be compiled into a general statement for the Presidency inclusive of Sind, which should be submitted to Government within one month from the date of the expiry of the period to which it relates. (G. R. No. 3730, dated 9th May 1884).

11. In cases of opium-smuggling the Commissioner of Opium should use every endeavour to obtain and record information as to the place whence the opium was brought and its destination. This information will be useful to the Commissioner in devising means and taking measures for the prevention of smuggling. (G. R. No. 411, dated 17th January 1891.)

12. Information in regard to all important cases of opium-smuggling which may be detected and tried in the Native States in the Bombay Presidency should be furnished to the Government of India in the same way as cases of smuggling in British territory are reported. (G. I., F. & C., No. 3744, dated 14th September 1882; *vide* G. R. No. 7194, dated 16th October 1882.)

13. The statements of opium-smuggling cases called for by the Government of India are evidently intended by that Government to be a record of all petty cases of opium-smuggling occurring in this Presidency, whether detected and tried in Native States or in British territory. (G. R. No. 5012, dated 21st June 1884.)

IX.—REWARDS.

1. Rule 56 of the rules under the Opium Act leaves it to the discretion of the Magistrate whether he will grant a reward or not in cases of opium-smuggling, but it seems expedient that rewards should be freely granted to stimulate the zeal of the preventive men. (G. R. No. 3473, dated 2nd July 1879.)

2. In the interests of the public revenue it is desirable that rewards in cases of opium-smuggling should always be granted when fairly earned. (G. R. No. 273, dated 16th January 1882.)

3. The attention of the Magistrates in this Presidency is requested to the fact that a liberal treatment of informers in opium-smuggling cases is likely to be of much use in checking defeat of the law. (G. R. No. 2281, dated 14th April 1888, and G. R., J. D., No. 2255, dated 28th idem.)

4. Whenever informers in opium-smuggling cases refuse to pass a receipt for the reward disbursed to them, the payment should be admitted on the production of a receipt signed by the disbursing officer and countersigned by the controlling officer and subject to the condition that the gazetted officer to whom the disbursing officer is immediately subordinate should certify on the receipt that he has satisfied himself that payment has been made to the rightful claimant. (G. R. No. 3698, dated 29th May 1890.)

5. The rules under the Opium Act do not authorize the handing of rewards for the detection of opium-smuggling to the Traffic Manager of a Railway for distribution, as he is not a head of a Department in the sense of the rule. The rewards to be given to employés of the G. I. P. Railway may, as desired by the authorities of the Railway, be limited to one month's pay in ordinary cases. The Superintendent of Police is responsible that petty annoyance is not caused to third class passengers by constables under the pretence of a search for opium. Government have no reason to suppose that this abuse of authority exists, but it must be guarded against. (G. R. No. 7394, dated 29th October 1887.)

X.—INTERPRETATIONS, LEGAL OPINIONS, &c.

1. No restriction is placed by the Opium Rules on the free transport and sale of poppy seeds. (G. R. No. 756, dated 14th February 1880.)

2. Section 3 of the Opium Act, 1878, provides that, unless there be something repugnant in the subject or context, 'opium' includes also poppy-heads, preparations or admixtures of opium, and intoxicating drugs prepared from the poppy.

In the rules* made under Section 5 of the Act, 'opium' has the meaning defined in the Act.

* Printed at pp. 397 *et seq.* of the Compilation of General Rules.

In the Rules Nos. 39, 40, 43 and 44, 'opium' and 'intoxicating drugs prepared from the poppy' are distinguished; and licenses may be allowed for the retail of opium and for the manufacture or retail of intoxicating drugs prepared from the poppy.

It is obvious that in these rules the word 'opium' does not include 'intoxicating drugs prepared from the poppy,' and that a license granted under these rules for the retail of opium does not include the manufacture or retail of any intoxicating drugs prepared from the poppy.

In the same way in Rule 22, where the manufacture of opium into 'chandul' is allowed, it is clear that the word 'opium' does not in this instance include 'chandul.' (L. R. No. 1537, dated 28th November 1882; *vide* G. R. No. 8728, dated 12th December 1882.)

3. The Opium Act contemplates the powers under Section 14 thereof being vested in real officers of the opium and other Departments, and it would be a straining of the meaning of the law to make certain persons (such as the opium farmer and his detectives) officers with no duties and no powers other than those under that section. (L. R. No. 567, dated 30th April 1883; *vide* G. R. No. 3698, dated 14th May 1883).

4. Mámlatdárs are authorized to act under Section 24 of the Opium Act by Judicial Department Notification No. 3578, dated 20th June 1879. An appeal lies under Section 203 of the Land Revenue Code to the Commissioner of the Division and not to the Commissioner of Opium against an order passed by a Collector on appeal from an order passed by a Mámlatdár under Section 24 of the Opium Act. (L. R. No. 149, dated 28th January 1885; *vide* G. R. No. 1108, dated 6th February 1885.)

5. A farmer of opium revenue cannot obtain the assistance of a Revenue officer to recover from his licensee's surety any sum which may be due to him by his licensee.

By Section 24 of Act I of 1878 an opium farmer may obtain the assistance of the Collector or other authorized officer to recover the amount due to him by his licensee, and such officer may in his discretion recover such amount as if it were an arrear of land revenue. In this section no allusion is made to the licensee's surety, although in the previous section the opium farmer's own surety is distinctly mentioned as liable.

The inference from Sections 23 and 24 of this Act appears to be that though the farmer's surety is liable, the licensee's surety is not liable to summary process.

Turning to Section 187 of the Land Revenue Code it is there provided that all persons who have become sureties for any such contractor as aforesaid, *i. e.*, contractor for the farm of any description of revenue, shall on failure to pay the amount or any

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portion thereof for which they have become liable under the terms of their security bond, be liable to be proceeded against under the provisions of this chapter as revenue defaulters. Here the contractor's surety is made liable, and the interests of the revenue are thereby protected; but the provision cannot be extended beyond the terms of the section, and there is nothing in the section to warrant its application to the surety of the contractor's licensee. As regards him, therefore, the contractor must be left to find the ordinary remedy by means of the Civil Court. (L. R. No. 753, dated 23rd June 1885; *vide* G. R. No. 5669, dated 14th July 1885.)

6. The following judgment was passed by the High Court of Bombay in the case of Imperatrix *vs.* Pirsha Bachalsha, Appeal No. 98 of 1885:—

"The accused was convicted by the First Class Magistrate under Section 9 (c) of the Opium Act (I of 1878) of the offence of possessing opium in contravention of the Act and of the rules made under it. The Sessions Judge has reversed that conviction. But it appears that *chandul*, a preparation of opium, was found in the possession of the accused. Section 10 of the Act provides that 'in prosecutions under Section 9 it shall be presumed, until the contrary is proved, that all opium for which the accused is unable to account satisfactorily is opium in respect of which he has committed an offence under this Act.' The accused in this case has not accounted for his possession at all. Therefore the Magistrate was right in convicting him, and the Sessions Judge ought not to have reversed that conviction. The Government Pleader in the Court below seems not to have been properly instructed and the Sessions Judge was not shown any rules on the subject made by Government. But the Government Pleader here has produced to us such rules (Revenue Department, Bombay Castle, 29th September 1883, and No. 7287). Rule 3,* which prohibits the possession of any opium unless obtained as therein specified, seems to us to apply, and we direct the Sessions Judge's attention to it.

"We reverse the Sessions Judge's order of acquittal and restore the Magistrate's conviction and sentence."

(G. R. No. 7499, dated 16th September 1885.)

† Printed at pp. 397—417 of the Compilation of General Rules.

7. The term "Medical practitioner" is used in Rule 37 of the Rules† under the Opium Act in its general sense, without any qualification. As so used, it means a person who practises or is engaged in the exercise of the medical profession, *i. e.* the healing of diseases. It therefore undoubtedly includes practising vaidyas and hakims, but it does not include persons who are vaidyas and hakims in name only. (L. R. No. 4, dated 4th January 1892; *vide* G. R. No. 6292, dated 3rd August 1892.)

XI.—MISCELLANEOUS.

1. *Official Correspondence.*—All correspondence relating to the Opium and Salt Departments which

* *Vide* Rule 4 of the Rules in G. N. No. 4472 A, dated 3rd June 1885, printed at pp. 397—417 of the Compilation of General Rules.

affects the interests of Native States should be addressed to the Secretary to the Government of India in the Foreign Department. (G. I., For. Dept., No. 2511 P, dated 26th March 1881.)

2. *Translations of Notifications.*—The Oriental Translator to Government should translate the notifications that may be issued from time to time under the Opium Act into Maráthi, Gujaráti and Kánarese and forward the translations to the Superintendent, Government Central Press, to be printed. Copies of the translations should be supplied to the officers concerned in accordance with their requirements, which should be communicated direct to the Superintendent of the Press. (G. R. No. 8113, dated 13th October 1892.)

3. *Inspectors and Sub-Inspectors.*—The Inspectors and Sub-Inspectors of the Opium Department armed with revolvers should be required to go through a course of firing at the Police head-quarters of their respective districts and obtain a certificate of efficiency from the Superintendent of Police. (G. R. No. 7390, dated 11th September 1885.)

4. The Opium Inspector attached to the Bombay Customs House may reasonably be expected to pay himself any expenses incurred by him when proceeding on duty from the opium head-quarters office in Bombay to the Byculla Station which is within his charge. (G. R. No. 1690, dated 3rd April 1880.)

5. The practice of obliging the traders to provide the Opium Inspector with a conveyance and paying him fees when his services are required on recognized public holidays appears to Government most objectionable. The Inspector should have his head-quarters at Bori Bandar; and any merchant who may require his services at the B. B. and C. I. Railway station or on holidays should be obliged to pay a certain fixed fee which should be regularly brought to account. Out of the funds thus obtained, the Inspector should be paid by contingent bills for his carriage hire and for any special remuneration he may, in the opinion of the Commissioner of Customs, be entitled to for working on holidays. (G. R. No. 517, dated 30th January 1874.)

6. *Accounts.*—For purposes of opium accounts, $38\frac{8}{9}$ tolas should be considered to constitute one pound avoirdupois. (G. R. No. 5955, dated 7th November 1879.)

7. *Fees.*—The fee for examining opium to be purchased by Government for supplying Government depôts should in future be Rs. 5 per chest. The brokerage should be fixed at Rs. $3\frac{1}{2}$ per chest. (G. R. No. 6681, dated 15th December 1879.)

8. *Government Warehouse.*—In exercise of the powers conferred by Section 7 (*a*) of the Opium Act the Governor General in Council is pleased to authorize the Governor of Bombay in Council to

establish a warehouse* for opium legally imported into, or intended to be exported from, the territories administered by him. (G. I., F. & C., No. 757, dated 2nd May 1884; *vide* G. N. No. 3862, dated 14th idem.)

9. *Form of receipt for Warehouse fees for opium stored in the Bombay Government Opium Warehouse:—*

No.

Consignee.

Name of Scale and No. of Passport.

No. of Chests.

Rate 10½ annas per chest.

Amount.

Cashier. Assistant Collector of Customs in charge, Opium Department.

Bombay Custom House.

No. 189

Received from

Rupees , being the amount of fees at 10½ annas per chest chargeable on chests of opium covered by passport No. from for storage of the same in the Bombay Government Opium Warehouse.

Cashier. Assistant Collector of Customs in charge Opium Department.

(G. R. No. 5447, dated 5th August 1890.)

10. *Insurance.*—It is not considered expedient or economical to insure Government property except where the value is very large and the risk unusual. The Government of India does not therefore think it necessary to insure the Government opium warehoused in Bombay. (G. I., F. & C., No. 236-Ex., dated 17th January 1893; *vide* G. R. No. 1808, dated 11th March 1893.)

* For the Bombay Opium Warehouse Rules *vide* pp. 418—424 of the Compilation of General Rules.